

1 Daniel C. Cotman (CBN 218315)
2 dan@cotmanip.com
3 Rasheed McWilliams (CBN 281832)
4 rasheed@cotmanip.com
5 Obi I. Iloputaife (CBN 192271)
6 obi@cotmanip.com
7 COTMAN IP LAW GROUP, PLC
8 One Colorado | 35 Hugus Alley, Suite 210
9 Pasadena, California 91103
10 (626) 405-1413/FAX: (626) 316-7577
11 *Attorneys for Plaintiff*
12 *USB Technologies, LLC,*

13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA**

15 USB Technologies, LLC, a California) Case No. 2:15-cv-04802
16 limited liability company,)
17) **COMPLAINT FOR PATENT**
18 Plaintiff,) **INFRINGEMENT AND**
19) **PERMANENT INJUNCTION**
20 v.)
21) **DEMAND FOR JURY TRIAL**
22 B&H Foto & Electronics Corp. d/b/a)
23 B&H Photo Video; and DOES 1 through)
24 5, Inclusive,)
25 Defendants.)
26)
27)
28)

1 Plaintiff USB Technologies, LLC, (“USB Technologies”), by and through its
2 undersigned counsel, for its Complaint against Defendant B&H Foto & Electronics
3 Corp. d/b/a B&H Photo Video (“B&H”); and Does 1-5 (collectively, “Defendants”)]
4 makes the following allegations. These allegations are made upon information and
5 belief.

6 **JURISDICTION AND VENUE**

7 1. This is an action for patent infringement arising under the patent laws of
8 the United States, including 35 U.S.C. §§ 271, 281, and 283-285.

9 2. This Court has subject matter jurisdiction over this action pursuant to 28
10 U.S.C. § § 1331 and 1338(a) because it arises under United States Patent law.

11 3. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c).
12 On information and belief, Defendants are subject to this Court’s personal jurisdiction
13 in that the acts and transactions complained of herein include the import and sale of
14 infringing goods, identified herein, through the State of California and specifically in
15 this District. Furthermore, Defendants’ sales transactions are initiated nationwide
16 over the Internet, including sales targeted to the State of California and this District,
17 thereby purposefully availing themselves of the benefits of the state.

18 **THE PARTIES**

19 4. USB Technologies is a limited liability company organized under the
20 laws of the State of California and has an office and principal place of business at 35
21 Hugus Alley, Suite 210 Pasadena, California 91103.

22 5. Upon information and belief, B&H Foto & Electronics Corp. is a
23 corporation having a place of business at 420 9th Avenue, New York, New York
24 10001.

25 6. The true names and capacities, whether individual, corporate or
26 otherwise of the Defendants named herein as DOES 1 through 5, inclusive, are
27 unknown to Plaintiff, who therefore sues Defendants by such fictitious
28

1 names. Plaintiff will ask leave of Court to amend this Complaint and insert the true
2 names and capacities of said Defendants when the same have been ascertained.

3 7. Plaintiff is informed and believes and, upon such, alleges that each of the
4 Defendants designated herein as “DOE” are allegedly responsible in some manner for
5 the events and happenings herein alleged, and that Plaintiff’s damages as alleged
6 herein were proximately caused by such Defendants.

7 FACTS

8 8. USB Technologies is the owner, by assignment, of U.S. Patent No.
9 7,809,866 (“the ‘866 Patent”), which was duly and legally issued on October 5, 2010
10 by the United States Patent and Trademark Office. A copy of U.S. Patent No.
11 7,809,866 is attached to this complaint as **Exhibit A**.

12 9. The claims of the ‘866 Patent are valid and enforceable.

13 10. The Defendants sell and offer to sell the General Mobile Technology
14 Company (“GMobi”) iStick Lightning to USB flash drive products in various sizes,
15 including 8 GB, 16 GB, 32 GB, 64 GB and 128 GB (“GMobi iStick Product Family”).

16 11. The GMobi iStick Product Family are double interface Lightning to USB
17 flash memory drives. The GMobi iStick Product Family comprises a first transmission
18 interface, a circuit board with a microprocessor and a plurality of flash memory. The
19 GMobi iStick Product Family comprises a first bus interface to perform a signal
20 transmission and a second bus interface circuit different from the flash memory card.
21 The GMobi iStick Product Family also contains interface detection and switching
22 circuit, for switching to the first interface circuit or the second interface circuit based
23 on an initializing signal generated from the system interface circuit. The
24 microprocessor within the GMobi iStick Product Family switches to the right
25 interface, determining and supporting a connection action automatically based on the
26 type of system interface circuit detected.

27 12. Each of the products in the GMobi iStick Product Family infringe on the
28 claims of the ‘866 patent, including, but not limited to claim 1.

1 13. Defendants sell and offer to sell to consumers the GMobi iStick Product
2 Family over a worldwide website, www.bhphotovideo.com, without regard to the
3 patent rights of USB Technologies. A copy of an offer for sale of the GMobi iStick
4 Product Family on the B&H website, is attached herewith as **Exhibit B**.

5 14. The Defendant(s) sell(s) and offer(s) to sell the Photofast i-FlashDrive
6 HD and i-FlashDrive Evo Lightning to USB flash drive products in various sizes,
7 including 16 GB, 32 GB, and 64 GB (“i-FlashDrive Product Family”).

8 15. The i-FlashDrive Product Family are double interface Lightning to USB
9 flash memory drives. The i-FlashDrive Product Family comprises a first transmission
10 interface, a circuit board with a microprocessor and a plurality of flash memory. The i-
11 FlashDrive Product Family comprises a first bus interface to perform a signal
12 transmission and a second bus interface circuit different from the flash memory card.
13 The i-FlashDrive Product Family also contains interface detection and switching
14 circuit, for switching to the first interface circuit or the second interface circuit based
15 on an initializing signal generated from the system interface circuit. The
16 microprocessor within the i-FlashDrive Product Family switches to the right interface,
17 determining and supporting a connection action automatically based on the type of
18 system interface circuit detected.

19 16. Each of the products in the i-FlashDrive Product Family infringe on the
20 claims of the ‘866 patent, including, but not limited to claim 1.

21 17. Defendants, buy, sell and offer to sell to consumers the i-FlashDrive
22 Product Family over a worldwide website, <http://www.bhphotovideo.com/>, without
23 regard to the patent rights of USB Technologies. A copy of an offer for sale of the i-
24 FlashDrive Product Family on the B&H website is attached herewith as **Exhibit C**.

25 18. Unless enjoined by this Court, Defendants will continue to infringe
26 the ‘866 patent.

27 19. Plaintiff has been, and will continue to be, irreparably harmed by
28 Defendants’ ongoing infringement of the ‘866 patent.

1 it from making, using, offering to sell, selling, or importing into the United States any
2 product infringing on claims of United States Letters Patent No. 7,809,866;

3 C. An award of damages in an amount to be determined at trial, but not less
4 than a reasonable royalty and/or Plaintiff's lost profits as a result of each Defendant's
5 infringing actions;

6 D. A finding that each Defendant's infringement has been willful;

7 E. A trebling, pursuant to 35 U.S.C. § 284, of any and all damages awarded
8 for each Defendant's infringement of the '866 Patent;

9 F. A finding that this is an exceptional case under 35 U.S.C. § 285;

10 G. An award, pursuant to 35 U.S.C. § 285, of reasonable attorneys' fees;

11 H. An award of interest and costs; and

12 I. For such other and further relief as may be just and equitable.

13 **DEMAND FOR TRIAL BY JURY**

14 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby
15 demands a jury trial on all issues and causes of action triable to a jury.

16
17 Respectfully submitted,

18 DATED: June 24, 2015

COTMAN IP LAW GROUP, PLC

19 s/ Rasheed M. McWilliams

20 By: _____

21 Daniel C. Cotman

22 Rasheed M. McWilliams

23 Obi I. Iloputaife

COTMAN IP LAW GROUP, PLC

24 One Colorado | 35 Hugus Alley, Suite 210

Pasadena Ca, 91103

25 Telephone: (626) 405-1413

26 Facsimile: (626) 316-7577

27 Attorneys for Plaintiff

28 USB Technologies, LLC